

**LAHIVE
&
COCKFIELD
LLP**

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1925-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DIACONTE, JR.
JAN LAMPORT HAMMETT
ELIZABETH A. HAWLEY
AMY BAKER MANDAKOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DAWN FORAN SMITH
PETER C. LAURO
JEANNE M. DIGIORGIO
DEBRA J. MILASINSKI, PH.D.
DAVID J. BURGERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. KANKI, PH.D.
MEGAN E. WILLIAMS, PH.D.
NICHOLAS H. HUFF, PH.D.
MICHAEL PHILLIPS *
LISA M. DIROCCO
HATHAWAY P. RUSSELL **
MARIA LACOSTE-SACHARAKIS, PH.D.
VICARANT P. LOCCASANO
MEREDITH C. ARNOLD
DANIELLE L. HERRITT
SEMON COUNSEL
JAMES E. COCKFIELD
OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. BOOFIELD, JR.
BIRLEY P. REPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, PH.D.
DANIEL E. KO

TECHNICAL SPECIALISTS
CYNTHIA M. BORCOS
PETER W. DINI, PH.D.
BUNCON LEE
CATHERINE E. IMPERSON
ERIC F. WAGNER, PH.D.
JACOB S. WEITZBAUM
JONATHAN M. SPARKS, PH.D.
CRISTIN E. HOWLEY, PH.D.

* Admitted in NY only
** Admitted in TX only

February 14, 2003

Commissioner for Patents
Washington, D.C. 20231

COPY

Re: U.S. Patent Application Serial No. 10/049,800
Titled: "PORTAL IMAGING DEVICE"
Inventors: Robert Stephen Cooke *et al.*
International Filing Date: August 14, 2000
Attorney Docket No. FHW-100US

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Petition for Withdrawal of Holding of Abandonment of a Patent Application under 37 CFR 1.181 (2 pgs);
2. A copy of a Response to Notification of Missing Requirements filed on November 19, 2002 (2 pgs);
3. A copy of the Transmittal Letter filed with the Response to Notification of Missing Requirements on November 19, 2002 (1 pg);
4. A copy of a Request for Five-Month Extension of Time filed on November 19, 2002 (2 pgs);
5. A copy of an Express Mail Label used in Missing Requirement filing on November 19, 2002 (1 pg);
6. A copy of the Return Mailroom Postcard used in filing on November 19, 2002 (1 pg); and
7. A Pre-paid acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. *A duplicate of this sheet is enclosed.*

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

February 14, 2003

Date

David R. Burns

David R. Burns, Reg. No. 46,590

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

David R. Burns

David R. Burns
Reg. No. 46,590
Attorney for Applicants

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Robert Stephen COOKE et al.

Serial No.: 10/049,800 (Conf. no. 6216)

International Filing Date: August 14, 2000

For: PORTAL IMAGING DEVICE

Attorney Docket No.: FHW-100US

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date set forth below.

February 14, 2003

Date of Signature and of Mail Deposit

By:

David R. Burns
David R. Burns
Reg. No. 46,590

Petition For Withdrawal of Holding of Abandonment of a Patent Application
Under 37 CFR 1.181

Dear Sir:

Pursuant to 37 CFR §1.181 the undersigned hereby petitions to withdraw the holding of abandonment issued in connection with the above-identified patent application.

On January 16, 2003, Applicant's Attorney received by mail the Notice of Abandonment which had been date stamped January 13, 2003 by the Patent and Trademark Office and which indicated that the application had been abandoned.

It is respectfully submitted that Applicant on November 19, 2002, timely and properly filed a response to the Notification to File Missing Requirements mailed April 19, 2002.

Re: U.S.S.N. 10/049,800

Accordingly, Applicant respectfully petitions the Commissioner to withdraw the holding of abandonment in the application. Applicants' responsive filing on **November 19, 2002**, using the Express Mail Procedure under 37 CFR 1.10, extended the response period for the Notification of Missing Requirements to **November 19, 2002**, by the concurrent filing therewith of a petition entitled Request for Five-Month Extension of Time to extend the response period and fee for extension of time under the provisions of 37 CFR 1.136(a).

The present Petition includes the following facts and documentation in support of the timely and properly filed Response to Notification of Missing Requirements: evidence of receipt of the required reply and fee by the Patent and Trademark Office, namely, a copy of the Response to Notification of Missing Requirements, a copy of the Transmittal letter filed with the Response to Notification of Missing Requirements, a copy of a Request for Five-Month Extension of Time, a copy of the Return Mailroom Postcard and a copy of the Express Mail Label used to file the above documents in the Patent and Trademark Office on **November 19, 2002**.

Accordingly, Applicants contend that their responsive filing on **November 19, 2002**, was timely filed and received by the Patent and Trademark Office, but was not correlated with the application and the application has been erroneously held abandoned. Hence, Applicants' respectfully request that the present application be reinstated, and passed to examination.

If there are any questions concerning the petition to Withdraw the Holding of Abandonment, the Examiner is invited to telephone Applicant's representative at the telephone number listed below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

David R. Burns
David R. Burns
Registration No. 46,590
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400
Date: **February 14, 2003**